

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICTOR WATERFORD,

Petitioner,

v.

Case No. 11-cv-10664
HON. AVERN COHN

GREG MCQUIGGIN,

Respondent.

_____ /

ORDER DENYING
PETITIONER'S MOTION FOR RECONSIDERATION (Doc. 8)

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Victor Waterford, proceeding *pro se*, filed a petition on February 17, 2011. On May 2, 2011, Petitioner filed a motion requesting that the Court rule on his habeas case without an answer from Respondent, because he said the Respondent failed to timely file his answer and the necessary Rule 5 materials. The Court denied the motion. Before the Court is Petitioner's "Motion for Reconsideration," filed on May 23, 2011. For the reasons that follow, the motion will be denied.

II.

Motions for reconsideration are governed by E.D. Mich. LR 7.1(h) which provides in relevant part:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion

have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3).

Petitioner fails to satisfy this standard. Petitioner is requesting that the Court reconsider its order, again arguing that, because Respondent failed to file his answer and the necessary Rule 5 materials, the Court should rule on his case. Petitioner has submitted documentation demonstrating that Respondent should have filed his answer and the Rule 5 materials by April 25, 2011. It is unclear to the Court how Petitioner received such an order. The order on the Court's docket sheet indicates that Respondent's answer and the Rule 5 materials are due to be filed with the Court on August 25, 2011, not April 25, 2011. As explained in the Court's May 12, 2011 order, Respondent has until that date to file the required documentation. Petitioner has not demonstrated that the Court's conclusion was in error.

Accordingly, Petitioner's motion is denied.

SO ORDERED.

Dated: June 16, 2011

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Victor Waterford 217934, Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784 on this date, June 16, 2011, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160